

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HOSSAM ARAFA,

Plaintiff,

- against -

**MEMORANDUM & ORDER**  
22-CV-04475 (PKC) (MMH)

NEW YORK STATE; TROY PRESCOD; and  
SOCIAL SECURITY ADMINISTRATION,

Defendants.  
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PAMELA K. CHEN, United States District Judge:

By Memorandum and Order dated August 30, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP") and dismissed all claims against the named Defendants. (Dkt. 6.) Plaintiff was granted thirty (30) days from the date of the Order to file an amended complaint against unnamed NYPD police officers for alleged ongoing violations of his constitutional rights and to assert equitable tolling, if any, of the statute of limitations for his claims against Defendant Troy Prescod. (*Id.*) Plaintiff failed to meet this deadline, and the Court *sua sponte* extended Plaintiff's deadline to October 31, 2022, and warned Plaintiff that failure to meet the extended deadline would result in the case's dismissal. (10/12/2022 Docket Order.) On November 7, 2022, the Court dismissed the action for failure to prosecute. (11/07/2022 Docket Order.) Plaintiff filed a motion for reconsideration on January 25, 2023, which the Court granted and reopened the action. (1/30/2023 Docket Order.) Plaintiff was given until March 2, 2023, to file an amended complaint. (*Id.*)

Instead of filing an amended complaint, Plaintiff filed a letter stating that an unnamed "officer violated all [his] rights" by entering his home on an unknown date without a warrant. (Dkt. 9.) Plaintiff also attached a certificate of dismissal reflecting that criminal charges against

Plaintiff related to a Queens County arrest that occurred on May 21, 2018, were dismissed. (*Id.*) On March 2, 2023, Plaintiff filed a copy of his consumer credit report. (Dkt. 10.)

### **DISCUSSION**

In an abundance of caution, Plaintiff is granted thirty days from the date of this Order to submit an amended complaint. The amended complaint must give the date and location of the events giving rise to each Section 1983 claim, name the specific defendant(s) alleged to be responsible for each action or omission or identify them as John and/or Jane Does, explain what each defendant did or failed to do, and explain how that action or omission led to a deprivation of his federal constitutional or statutory rights. Moreover, to the extent Plaintiff seeks to assert equitable tolling of the three-year statute of limitations on his claims against Defendant Prescod related to his 2018 arrest, he must explain the factual basis for such tolling.

Plaintiff is reminded that the amended complaint will ***not*** supplement the original Complaint—rather it will entirely replace the original Complaint. Thus, the Court reminds Plaintiff to reallege all relevant assertions from the Complaint in the amended complaint. The amended complaint must be captioned as an “Amended Complaint” and bear the same docket number as this Memorandum and Order: 22-CV-04475 (PKC) (MMH).

This will be Plaintiff’s final opportunity to submit an amended complaint.

### **CONCLUSION**

Plaintiff is granted thirty (30) days from the date of this Memorandum and Order to file an amended complaint. No summons shall issue at this time and all further proceedings shall be stayed for 30 days. If Plaintiff fails to amend the complaint within 30 days as directed by this Memorandum and Order, judgment dismissing the action shall enter.

The Clerk of Court is respectfully directed to mail a copy of this Order and a civil rights complaint form to *pro se* Plaintiff and to note mailing on the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Memorandum and Order would not be taken in good faith and therefore IFP status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

/s/ Pamela K. Chen

Pamela K. Chen

United States District Judge

Dated: March 9, 2023  
Brooklyn, New York